



06-04-03

3735

TRANSMITTAL LETTER			Case No. 6298/308
Serial No. 09/409,792	Filing Date September 30, 1999	Examiner A Lewis	Group Art Unit 3735
Inventor(s) M. Foley et al.			
Title of Invention Exhalation Valve For Face Mask With Spacer Chamber Connection			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Third Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of References D1-D22.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

JUN 7 2003  
GROUP 3700

FAX RECEIVED

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

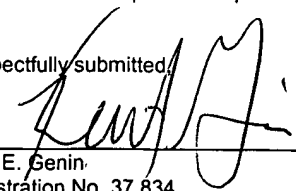
Small Entity	
Rate	Add'l Fee
x \$9=	
x 42=	
+\$140=	
Total add'l fee	\$

or

Other Than Small Entity	
Rate	Add'l Fee
x \$18=	
x \$84=	
+\$280=	
Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

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Date of Deposit: June 3, 2003

*L. Parker*  
*6-29-03*  
*#10/IDS*

PATENT  
CASE NO. 6298/308

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Martin P. Foley et al. )  
 )  
Serial No. 09/409,792 )  
 )  
Filed: September 30, 1999 )  
 )  
For: EXHALATION VALVE FOR )  
FACE MASK WITH SPACER )  
CHAMBER CONNECTION )

Examiner: A Lewis  
Group Art Unit: 3735

**FAX RECEIVED**  
JUN 06 2003  
**GROUP 3700**

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to the obligation under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. § 1.97-1.99, Applicant hereby submits the following references for consideration by the Examiner. Copies of each have been enclosed along with the form PTO-1449.

**U.S. PATENTS**

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
2,843,119	07/1958	Glasser
3,491,755	01/1970	Barghini et al.
4,002,167	01/1977	Rambosek
4,470,412	09/1984	Nowacki et al.
4,546,768	10/1985	Ferierabend
4,573,463	04/1986	Hall
4,637,387	01/1987	Hall
4,722,334	02/1988	Blackmer et al.

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
4,770,169	09/1988	Schmoegner et al.
4,886,055	12/1989	Hoppough
5,012,803	05/1991	Foley et al.
5,012,804	05/1991	Foley et al.
5,062,423	11/1991	Matson et al.
5,186,165	02/1993	Swann
5,954,049	09/1999	Foley et al.

### **FOREIGN PATENT DOCUMENTS**

<u>Document No.</u>	<u>Date</u>	<u>County</u>
244490	11/1993	Argentina
336.052	02/1904	France
812.329	05/1937	France
726 282	10/1942	Germany
DE 30 00 518	07/1981	Germany
531,805	01/1941	United Kingdom
GB 2 230 456 A	10/1990	United Kingdom

### **EXPLANATION OF THE REFERENCES**

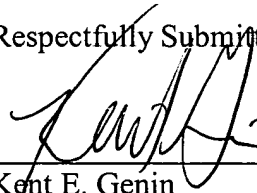
#### **Concise Explanation of Non-English Language Documents**

AR 244490	An English translation is provided with the enclosed materials.
FR 336.052	This document is cited solely based on the breathing masks for human and horse illustrated in the figures.
FR 812.329	This document is cited for the breathing mask for a horse illustrated in the figures.
DR 726 282	This German document is cited for the horse breathing apparatus shown in the figure.
DE 30 00 518	An English language abstract is provided with the enclosed materials.

As of the day of filing of this information disclosure statement, a first office action on the merits has not been received by the undersigned. Accordingly, no fee for consideration of the information provided with this disclosure statement is included herewith, as permitted by 37 C.F.R. § 1.97(b)(3). However, if an office action on the merits is mailed on a date prior hereto, Applicant hereby requests and authorizes the Commissioner to charge Deposit Account 23-1925 for the appropriate fee of \$180 as set forth in 37 C.F.R. § 1.97(c) for consideration of the information set forth in this disclosure statement.

Applicant requests to have these references included in the record of this application. Applicant further requests that the Examiner review the entire disclosure of each reference. Applicant does not represent any of these references to be prior art and Applicant reserves the right to disqualify any references by the showing of an earlier date of invention, if appropriate.

Respectfully Submitted,



Kent E. Genin

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Attorney for Applicant

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